

REMARKS

Applicant has carefully studied the outstanding Official Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

The Application as examined included claims 170 - 198. Claims 1 - 169 were previously cancelled.

In the present response, claims 172 - 173 and 190 are cancelled without prejudice. Claims 170, 189 and 197 are amended. Claims 171, 174 - 188, 191 - 196 and 198 are unchanged.

Claims 170 - 171, 175 - 178, 180 - 181 and 188 - 194 stand provisionally rejected under the judicially created doctrine of non-statutory obviousness-type double patenting as being unpatentable over claims 199 - 205 of copending U.S. Patent Application No. 11/980,025. Claim 170 has been amended to overcome the rejection as discussed further below.

Claims 170 - 175, 177 - 185, 188 - 194 and 197 - 198 stand rejected under 35 U.S.C. 102(b) as being anticipated by Loiterman (U.S. Patent No. 4,983,165). Claims 170, 174 - 184, 186 - 187, 191 - 193 and 195 - 198 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ohshiro (U.S. Patent No. 4,040,413).

Loiterman describes a catheter for introduction into the vascular system of an animal including a tubular member with a proximal and distal end and an inner and outer surface, the outer surface provided with an inflatable steering means, the inner surface defining a passage, the passage provided with a guide wire and a control means operably linked to the inflatable steering means for selectively inflating same, the control means inflating the inflatable steering means to align the tubular member toward a selected branch of the vascular system, the guide wire being directed through the passage into the selected branch of the vascular system and the tubular member being advanced over the guide wire into the selected branch of the vascular system.

Ohshiro describes an endoscope including one or more inflatable balloons provided on an outer surface of a tube thereof which encloses a fiber optical

light transmitting bundle.

Claim 170 is amended to include the recitation of previous claim 172. Claim 189 is amended to depend from amended claim 170 instead of cancelled claim 172. Claim 197 is amended to include a recitation similar in scope to the amendment to claim 170. Support for the amendment to claims 170 and 197 is found in the embodiment shown in Figs. 7A - 9C and the description thereof. No new matter is added.

The endoscope assembly of the present invention, as recited in amended claim 170, includes, inter alia, a selectably tiltable endoscope head and an endoscope head controller operative for controlling selectable extension of first and second pluralities of selectably radially extendible elements for selectable tilting of the endoscope head.

As discussed above, amended claim 170 includes the recitation of previous claim 172. As noted above, the Examiner rejected claim 172 as being anticipated by Loiterman. In the rejection, the Examiner wrote (Office Action, page 4):

“In regard to claims 172-173, Loiterman discloses an endoscope assembly, wherein said endoscope head controller is operative for controlling selectable extension of said first and second pluralities of selectably radially extendible elements for selectable tilted orientation of said endoscope head (see Figs. 4-6 and Col. 4, lines 8-34).”

Applicant submits that the device described by Loiterman in column 4 and shown in Figs. 4 - 6, is a bendable endoscope head controlled by an endoscope head controller. This is in contrast to the present invention, as seen in Figs. 7A-9C, which is a selectably titlable endoscope head controlled by an endoscope head controller operative to control titling of an endoscope head.

Therefore, Applicant respectfully submits that the prior art of Loiterman does not show or suggest an endoscope assembly including, inter alia, a selectably titlable endoscope head and an endoscope head controller operative for controlling selectable extension of first and second pluralities of selectably radially extendible elements for selectable tilting of the endoscope head, as recited in amended claim 170.

Applicant submits that none of the cited prior art, alone or in combination, shows or suggests an endoscope assembly, as recited in amended claim

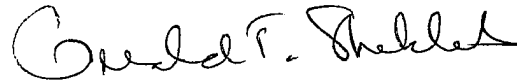
170, including, inter alia, a selectably titlable endoscope head and an endoscope head controller operative for controlling selectable extension of first and second pluralities of selectably radially extendible elements for selectable tilting of an endoscope head, and that amended claim 170 is therefore patentable. Amended claim 197 is similar in scope to claim 170 and is also patentable.

Claims 171, 174-188 and 191-196 each depend directly or ultimately from amended claim 170 and therefore are allowable. Claim 198 depends from amended claim 197 and therefore is allowable.

In view of the foregoing remarks, all of the claims are believed to be in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Application No. 10/588,131
Amdt. dated 9 March 2010
Reply to Office Action of 9 October 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald T. Shekleton". The signature is fluid and cursive, with the first name "Gerald" being more prominent than the last name "Shekleton".

Dated: 9 March 2010

Gerald T Shekleton
Reg. No. 27,466
Husch Blackwell Sanders Welsh & Katz
120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
Phone: (312) 655-1511
Fax: (312) 655-1501